



## TOWN OF HOPKINTON, NEW HAMPSHIRE

### RULES & REGULATIONS – HAZARDOUS MATERIAL CLEANUP ORDINANCE

**ORDINANCE NO: 07-06**

#### POLICY

It is hereby declared to be the policy of the Town of Hopkinton that all costs incurred by the Town for cleanup of any release of a hazardous material shall be borne by the responsible party.

#### DEFINITIONS

The following words and/or phrases shall, for the purposes of this article, have the meanings ascribed to them herein unless the context of a particular section clearly requires otherwise.

**CLEANUP** – the control, containment, recovery, removal or neutralization of any released hazardous material for the purpose of promoting or protecting public health or safety.

**HAZARDOUS MATERIAL** – Any substance or material in such quantity and form which may pose an unreasonable risk to health and safety or property, which may include but is not limited to, explosives, radioactive materials, etiologic agents, biological material, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials and compressed gasses which are listed by the materials transportation bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations and any amendment thereto.

**RELEASE** – The uncontrolled, improper or unsafe release, discharge or escape of any hazardous material to any place or in any manner which poses an actual or potential threat to any person, property, wildlife or the environment.

**RESPONSIBLE PARTY** – Any individual, partnership, corporation, association, trust or other entity partially or solely responsible for the release of any hazardous material within the Town.

#### NOTIFICATION: CLEANUP

The Hopkinton Fire Department shall immediately be notified of any release of any hazardous material within the Town. At the same time, the responsible party or parties shall take all proper measures reasonably necessary and available to stop/mitigate the release and clean up the affected area.

#### COST RECOVERY

1. Upon the completion of any cleanup in which Town employees participated, all costs of the cleanup shall be itemized by each Town department involved, including the Fire Department. Such costs shall include, but are not limited to, the cost of cleaning, repair, restoration or replacement of any town material or equipment used in the cleanup, the

cost of any illness or injury sustained by any employee who participated in the cleanup and the costs of all contracted services utilized in the cleanup.

2. Upon receipt of these itemizations (including its own), but in no event later than sixty (60) days from the date of the release, the Fire Department shall bill the full cost of the cleanup to the responsible party or parties. The bill shall include a description of costs incurred. Bills for less than the full amount of these costs shall be allowed, provided that the responsible party is advised of the reason therefore and the approximate date by which it can expect to receive a complete bill.

3. Each responsible party shall be jointly and severally liable to the Town for the costs of the cleanup for which they are responsible. Such costs may be collected by any lawful means including, but not limited to, appropriate court proceedings. All funds received from responsible parties shall be forwarded to the Board of Selectmen for deposit in the Town treasury.

**SEVERABILITY**

Should any provision of this article be held invalid by a court of competent jurisdiction, such finding of partial invalidity shall not affect the remainder of this article which shall continue in full force and effect. To this end, the provisions of this article are severable.

This Ordinance shall take effect upon its passage as provided by law.

Adopted in Town Meeting on March 9, 1994 as Article 27.

John Prewitt, Chairman  
Virginia Blanchard  
A. David Dufault

Board of Selectmen  
Town of Hopkinton

Adopted 3/9/1994; Reformatted 3/2007